

**REMARKS**

Claims 6-14 have been examined. Claims 1-5 were canceled by Preliminary Amendment. By this Amendment, claim 14 has been canceled and new claims 17-25 have been added. Claims 15 and 16 are withdrawn from consideration as being directed to a non-elected invention. Therefore, Claims 6-13 and 15-25 are pending in the present application.

**I. Restriction Requirement**

Applicant affirms the telephone election of Group I, claims 6-14, drawn to magnetic tape cassettes. Accordingly, Group II, claims 15 and 16, drawn to a method of making guide rollers, will be withdrawn from consideration as being directed to a non-elected invention.

**II. Drawing Objections**

The Examiner objects to Figures 10-14 because they are not designated by a legend such as "Prior Art". Accordingly, Applicant submits herewith substitute formal drawings for Figs. 10, 11, 12 and 14 with this Amendment. Regarding Fig. 13, Applicant submits that such figure does not constitute prior art. For example, as indicated on page 16, lines 19-21, of the present Application, Fig. 13 is an example to which the guide roller "of the invention is applied". Therefore, Applicant submits that Fig. 13 shows a non-limiting embodiment of the present invention, and should not be labeled as prior art.

In view of the above, Applicant respectfully requests the Examiner to reconsider and withdraw the objection.

### III. Claim Objections

Claim 14 is objected to because of informalities. However, since claim 14 has been canceled, without prejudice or disclaimer, Applicant submits that the objection is now moot.

### IV. Indefiniteness Rejections

Claims 6-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, the Examiner believes that the metes and bounds of the claims are not clear since it allegedly is not clear if a single cassette or a collection of cassettes is claimed and, if a collection is claimed, how the cassettes of that collection are physically, structurally, or cooperatively related. Applicant respectfully traverses the rejection. The claims clearly are directed to “magnetic tape cassettes” in which each cassette has a specific structural relationship to another cassette. For example, independent claim 6 recites, *inter alia*:

wherein a size relationship among the magnetic tape cassettes is such that the magnetic tape cassettes have a substantially similar vertical length while a horizontal length may vary among the magnetic tape cassettes, and

when the horizontal length varies among the magnetic tape cassettes, the difference between the height of the radially inner portion and the height of ribs is the same for each of the varying size magnetic tape cassettes (emphasis added).

Independent claims 12, and 13 similarly recite “magnetic tape cassettes” in which each cassette has a specific structural relationship to another cassette.

Accordingly, Applicant submits that claims 6-13 clearly and particularly recite the features of the invention, and thus, are definite. Further, since claim 14 has been canceled, without prejudice or disclaimer, Applicant submits that the rejection of such claim is now moot.

**V. Anticipation Rejections**

Claim 14 is rejected under 35 U.S.C. § 102(b) as being anticipated by the admitted prior art of page 1, line 7 - page 7, line 19 of the specification and Figs. 10-12. However, since claim 14 has been canceled, without prejudice or disclaimer, Applicant submits that the rejection of such claim is now moot.

**VI. Obviousness Rejections**

**A. Claims 6-13:**

Claims 6-13 are rejected under 35 U.S.C. § 103(a) as being obvious over the admitted prior art of page 1, line 7 - page 7, line 19 of the specification and Figs. 10-12.

Applicant submits that claims 6, 12 and 13 are patentable over the admitted prior art. For example, independent claims 6 and 12 recite “a horizontal length varies among the magnetic tape cassettes” (emphasis added). Further, independent claim 13 recites “wherein when the horizontal length varies among the magnetic tape cassettes” (emphasis added). Based on the varying horizontal length, the claims recite that, for example, the difference between a height of the radially inner portion and the height of the ribs is the same for each varying size cassette (claim 6), distances between positioning marks are the same for each varying size cassette, and

distances between a pair of guide members vary among the magnetic tape cassettes (claims 12 and 13).

Applicant submits that the admitted prior art fails to teach or suggest such features. Accordingly, Applicant submits that claims 6, 12 and 13 are patentable over the cited reference.

Since claims 7-11 are dependent, either directly or indirectly, upon claim 6, Applicant submits that such claims are patentable at least by virtue of their dependency.

**B. Claims 6 and 9:**

Claims 6 and 9 are rejected under 35 U.S.C. § 103(a) as being obvious over the admitted prior art of page 1, line 7 - page 7, line 19 of the specification and Figs. 10-12.

The admitted prior art discloses magnetic tape cassettes adapted to be operated in a recording and reproducing apparatus that can operate cassettes of different sizes, including L, M, and S cassettes. The Examiner notes that the Background of the Invention indicates that the distance between positioning marks 90a, 90b are the same in cassettes of different sizes (the Examiner cites page 6, lines 16-21 of the specification), and also, that the cassettes have the same vertical length and varying horizontal lengths (the Examiner cites page 3, lines 15-18 of the specification).

On the other hand, the Examiner acknowledges that the admitted prior art does not disclose that the difference between the height of radially inner portion of the lower flanges and the height of the ribs is the same for all of the cassettes. However, the Examiner alleges that it would have been obvious to make the difference between the height of the radially inner portion

of the flanges of the cassettes and the height of the ribs the same for all of the cassettes to provide the same clearance between the tape and ribs and to locate the tape in the same position in the recording and reproducing apparatus no matter what size the cassette is or to allow its use in a different recording and reproducing apparatus. However, Applicant respectfully disagrees.

The admitted prior art does not mention locating the tape in the same position in the recording and reproducing apparatus regardless of the size cassette. On the contrary, Applicants identify that a problem exists in that, when the size of the admitted prior art cassettes is increased, the lower flanges may be positioned at a lower level than in other size cassettes, thereby resulting in a difference in height between the radially inner portions of the lower flanges (i.e., the portion where the magnetic tape starts to be wound) and the tape ribs (i.e., the tape withdrawing portions) that is too large. As such, when the lid is closed, the tape may be slackened and the edges of the tape may be damaged. Applicants solve this problem by maintaining the same difference in the height of the radially inner portion and the height of the ribs for each of the varying size magnetic tape cassettes.

The Examiner's conclusory statement that it would have been obvious to do that which Applicants have done fails to establish the obviousness of the claimed invention. To establish obviousness, the Examiner must support his position by providing a reference that teaches, either explicitly or implicitly, the above mentioned feature of the claims. Therefore, Applicant submits that the Examiner has not established a *prima facie* case of obviousness, and accordingly, respectfully requests that the Examiner cite a reference in support of his position.

**C. Claims 7, 8, and 10-13:**

Claims 7, 8, and 10-13 are rejected under 35 U.S.C. § 103(a) as being obvious over the admitted prior art of page 1, line 7 - page 7, line 19 of the specification and Figs. 10-12 as applied to claim 6 above, and further in view of Ota et al. (Japanese document No. 5-347079).

With respect to claims 7, 8, 10, and 11, Applicant submits that such claims are patentable at least based on their dependency from claim 6. That is, Ota does not make up for the deficiencies of the admitted prior art with respect to claim 6 (from which claims 7 and 8 depend). Therefore, Applicant submits that dependent claims 7, 8, 10, and 11 would not have been obvious over the admitted prior art and Ota for at least the reasons set forth above with respect to claim 6.

With respect to claims 12 and 13, the Examiner acknowledged that the admitted prior art does not disclose that the distance between guide members 58a, 58b varies among the tape cassettes, that inclinations defined by connecting the bosses and guide members are the same in all of the cassettes, or that the widths of tape running openings are the same in the cassettes. The Examiner alleges that Ota does teach making the distance between guide members 5, 5, 27, 27 different on cassettes of different sizes (the Examiner cites Figs. 13 and 15 of Ota) adapted to be used in the same recording and reproducing apparatus.

The Examiner also alleges that the inclinations defined by connecting the bosses and the guide members “appear to be similar” in cassettes of different sizes (see Figs. 13 and 15). Applicant respectfully disagrees. For example, the inclination defined between the hub 11 and the guide member 5 located on the right-hand side of the cassette in Figure 13 (see the angle

formed by the magnetic tape 15) clearly is different than the inclination defined between the hub 32 and the guide member 27 located on the right-hand side of the cassette in Figure 15 (see the angle formed by the magnetic tape 36). The inclinations at the left-hand side of the cassettes also are different. Therefore, for at least these reasons, it appears that the Examiner is mischaracterizing Ota.

Additionally, the Examiner considers that it would have been obvious to make the distances between guide members in cassettes of different sizes different as taught by Ota and to make the inclinations of the tape running paths the same to provide similar tape feeding tension characteristics for the cassettes "since Ota teaches that the tape need not exit cassettes of different sizes at the same points relative to a tape recording and reproducing apparatus in order for the cassettes to be used in the same tape recording and reproducing apparatus." Further, the Examiner asserts that it would have been obvious "to make the widths of the tape running openings the same on cassettes of different sizes since the same size of tape is used in all of them and would not require different sizes of access openings." However, Applicant respectfully disagrees.

The Examiner has not cited any support in Ota for the conclusory statements set forth above. In fact, with respect to the widths of the tape running openings, the Examiner appears to be comparing incorrectly the width of the tape openings and the width of the tapes to the height of the tape. For example, the width of the tape opening in Figure 13 is different than the width of the tape opening in Figure 15.

Thus, for at least the foregoing reasons, it appears that the Examiner is mischaracterizing the Ota reference, and accordingly, has not established a *prima facie* case of obviousness with respect to claims 12 and 13. If the Examiner disagrees with Applicant's position, Applicant respectfully requests that the Examiner cite support for his conclusions, either in Ota or in another reference.

**VII. Additional Matters**

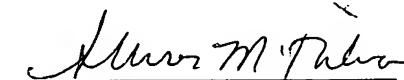
Applicant has amended the specification to correct several minor grammatical errors.

In addition, Applicant has added new claims 17-25 to provide more varied protection for the present invention.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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